

2020 Regular Session

SENATE BILL NO. 371

BY SENATOR CARTER

HEALTH CARE. Provides relative to opioid prescriptions. (gov sig)

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AN ACT

To amend and reenact R.S. 40:978(E)(1), (G)(1)(a) and (3), and the introductory paragraph of R.S. 40:978(H)(1), and to enact R.S. 40:978(E)(4), (G)(4), (H)(1)(c), and (I), relative to opioid prescriptions; to provide for limits on the number of opioids that may be dispensed when the prescriber is not licensed by the state of Louisiana; to provide for limits of the number of opioids that can be dispensed to first-time patients; to provide for application to opioid naive patients; to provide for a definition of opioid naive; to provide for an effective date; prescribers of controlled dangerous substances; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 40:978(E)(1), (G)(1)(a) and (3), and the introductory paragraph of R.S. 40:978(H)(1) are hereby amended and reenacted and R.S. 40:978(E)(4), (G)(4), (H)(1)(c), and (I) are hereby enacted to read as follows:

§978. Prescriptions

\* \* \*

E.(1) ~~The~~ Unless a patient is opioid naive as otherwise provided in this Section, the pharmacist shall not dispense more than a ten-day supply at a dosage

1 not to exceed the United States Food and Drug Administration's approved labeling  
 2 for the medication if the prescriber for such medication is not licensed by the state  
 3 of Louisiana, and the medication is an opioid derivative Schedule II or an opioid  
 4 derivative Schedule III controlled dangerous substance. The dispensing pharmacist  
 5 shall notify the prescriber of the supply dispensed and the cancellation of the  
 6 remainder of the prescription.

7 \* \* \*

8 **(4)(a) The pharmacist shall not dispense more than a seven-day supply**  
 9 **to an opioid naive patient at a dosage not to exceed the United States Food and**  
 10 **Drug Administration's approved labeling for the medication if the prescriber**  
 11 **for such medication is not licensed by the state of Louisiana, and the medication**  
 12 **is an opioid derivative Schedule II or an opioid derivative Schedule III**  
 13 **controlled dangerous substance. The dispensing pharmacist shall notify the**  
 14 **prescriber of the supply dispensed and the cancellation of the remainder of the**  
 15 **prescription.**

16 **(b) Within sixty days of the dispensing of a medication pursuant to**  
 17 **Paragraph (1) of this Subsection, such a medication shall not be dispensed again**  
 18 **for the individual by a prescriber not licensed by the state of Louisiana.**

19 **(c) The provisions of this Subsection shall not apply if the prescriber**  
 20 **includes on the prescription a diagnosis of cancer or terminal illness.**

21 \* \* \*

22 G.(1)(a) Except as provided in Paragraph (2) of this Subsection, when issuing  
 23 a first-time opioid prescription for outpatient use to an adult patient with an acute  
 24 condition, **or to an opioid naive patient**, a medical practitioner shall not issue a  
 25 prescription for more than a seven-day supply.

26 \* \* \*

27 **(3)(a) The pharmacist shall not dispense more than a seven-day supply**  
 28 **of medication to an opioid naive patient at a dosage not to exceed the United**  
 29 **States Food and Drug Administration's approved labeling for the medication**



by reviewing the patient's record in the prescription monitoring program.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Amends R.S. 40:978(E)(1), (G)(1)(a) and (3), and (H)(1)(intro para); adds R.S. 40:978(E)(4), (G)(4), (H)(1)(c), and (I))